

REMARKS/ARGUMENTS

By the present amendment, claims 7-13 are pending in this application. Claims 1-6, 14-19, 27, and 29 were previously withdrawn and are canceled herein without prejudice. Claims 20-26, 28, and 30 are also canceled herein without prejudice. Applicants reserve the right to file one or more continuation, continuation-in-part, or divisional applications towards any withdrawn or canceled subject matter. Claims 7 and 8 are amended herein. Basis for these amendments may be found throughout the specification and claims as originally filed. For example, basis for the amendments in claim 7 may be found in claim 8 as originally filed. No new matter has been added.

Claim Rejections - 35 U.S.C. §112, 2nd Paragraph

Claims 7-13 and 20-24 are rejected under 35 U.S.C. §112, 2nd paragraph as allegedly being indefinite for failing to point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 7-9, 12 and 13

Claims 7-9, 12 and 13 are allegedly ambiguous because it is not clear what dystrophin cleavage product is being detected in independent claim 7. Since claims 8, 9, 12 and 13 are dependent on independent claim 7, these claims are allegedly vague and indefinite as well.

As amended herein, claim 7 recites that the dystrophin cleavage product is produced by enteroviral protease 2A cleavage of the rod domain of dystrophin, which renders this claim clear as to what dystrophin cleavage product is being detected.

Claims 20-24

Claims 20-24 are allegedly ambiguous because in independent claim 20, the intended use of the kit and how detection of the dystrophin cleavage product is disclosed, but dependent claims 21-24 contain limitations directed to the intended use and how the dystrophin cleavage product is detected and therefore, are not further limiting.

As amended herein, claims 20-24 are canceled, which renders this rejection moot.

Claims 7-13

Claims 7-13 are allegedly ambiguous because it is unclear what assay(s) Applicant is claiming that is/are claiming to be compatible with the instant invention.

As amended herein, claim 7 now recites that the detection is performed in an "immunoassay." Such immunoassays are well known to those of skill in the art. Moreover, the specification provides numerous examples well known suitable immunoassays, including lateral flow or radioimmunoassay (RIA), sandwich (immunometric) immunoassay, ELISA, immunoblot, immunohistochemical assay, and the like. Applicants respectfully submit that as amended, claim 7 is clear as to what assay(s) are being claimed.

For all of the above reasons, Applicants respectfully request reconsideration and removal of these rejections.

Claim Rejections - 35 U.S.C. §102/103

Claims 20-26, 28, and 30 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by or, in the alternative, 35 U.S.C. §103(a) as being unpatentable over Campbell et al. (US Patent No. 5,308,752). Applicants respectfully traverse the rejection as it might apply to the pending claims.

As amended herein, claims 20-26, 28, and 30 have been canceled, which renders the rejection against these claims moot. This cancellation is for the purpose of obtaining early allowance of the method claims, and is made without prejudice to pursuing the cancelled claims in a later continuation or divisional application. Applicants respectfully request reconsideration and withdrawal of this rejection.

In re Application of:
Kirk Knowlton *et al.*
Application No.: 10/591,092
Filed: July 12, 2007
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Specification

The specification has been objected to for omitting the continuing data. As amended herein, the specification includes the continuing data in the first paragraph, which renders this objection moot.

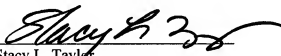
CONCLUSION

Applicants submit that pending claims 7-13 are in condition for allowance. The Examiner is invited to contact Applicants' undersigned representative if there are any questions relating to this submission.

No fee is believed to be due in connection with this submission. However, the Commissioner is hereby authorized to charge any other fees associated with the filing submitted herewith, or credit any overpayments to Deposit Account No. 07-1896 referencing the above-identified attorney docket number.

Respectfully submitted,

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